

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JOHN VANOUS,

Plaintiff,

v.

DARIOUS KING, *ET AL.*,

Defendants.

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CIVIL ACTION NO. 5:23-CV-42-RWS-JBB

ORDER

Before the Court is Plaintiff John Vanous's lawsuit against officials of the Texas Department Civil Justice, Correctional Institutions Division. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed as barred by the three-strikes provision of 28 U.S.C. § 1915(g). Docket No. 11. No objections have been filed.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).


The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and

contrary to law”). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 11) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that that the above-styled civil action is **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as the present case, but without prejudice as to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the full \$405.00 filing fee. Should Plaintiff pay that fee in this case within 15 days of the date of entry of dismissal, this case shall be reopened, and he will be allowed to proceed as though the full fee were paid from the outset.

So ORDERED and SIGNED this 19th day of March, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE